



GA 4/1601
515285-2001
PATENT

#118/jrf
05-14-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tagg et al.
Serial No. : 09/913,763
Filed : August 17, 2001
For : LANTIBIOTIC
Art Unit : 1651
Examiner : Michael V. Meller

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MAY 10 2002

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745 Fifth Avenue, New York, New York 10151

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the date below.

Marilyn Matthes Brogan, Reg. No. 31,223

Name of Applicant, Assignee or Registered Representative

[Signature]
Signature

April 30, 2002

Date of Signature

**AMENDMENT AND RESPONSE TO OFFICE ACTION WITH
REQUEST FOR WITHDRAWAL OF RESTRICTION REQUIREMENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated April 1, 2002, which sets a one month period for response.

AMENDMENT

It is respectfully requested that the application be amended without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents, as follows:

In the Claims

Please add the following claim.

B1

46. (New) An isolated polypeptide encoded by the amino acid sequence of SEQ ID NO: 3, or a fragment or variant thereof, wherein the variant has greater than 80% amino acid sequence homology to SEQ ID NO: 3, and wherein the polypeptide is bacteriocidal.